

W2450003
DJM/ctrPaper No. 11**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Inventor(s): Kenneth G. Walker

Title: **SYSTEM FOR DISPOSAL OF FLUIDS**

Serial No.: 09/609,868

Filed: July 3, 2000

Examiner: Michael Bogart

Art Unit: 3761

Date: March 8, 2002

To: Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

REPLY

This communication is in response to the Office Action dated January 10, 2002.

As discussed with Examiner Bogart by phone on March 5, 2002, we respectfully request that the examiner reconsider the final rejection of claims 29, 31, 33 and 36, having regard to the following submissions.

Claims 29, 31, 33 and 36 stand rejected under 35 U.S.C. s. 102(e) as being anticipated by Beguiristain (U.S. 3,612,089). It is submitted that Beguiristain does not anticipate the lid of applicant's claims 29, 31 and 33 or the suction canister of claim 36.

Referring first to applicant's claim 29, paragraph (b) thereof specifies an outlet port in the lid for outflow of fluids from the canister. In Beguiristain, the port in the lid to which connector 25 is secured is a *vacuum port*, not a port for the outflow of fluids. See column 2, lines 32 - 34. (The examiner has identified the port as outlet port 30, but reference number 30 in Beguiristain identifies the end of connector 25; see column 2, lines 37 - 38.) Applicant's claim 29, in paragraph (c), specifies a conduit in fluid communication with the outlet port in the lid, extending to the bottom of the canister body. In Beguiristain, the tube 29 noted by the examiner is attached to the vacuum outlet in the lid and includes a ball valve 32 slidable in the tube for sealing the vacuum outlet. See column 2, lines 36 - 44. Further, tube 29 does not extend to the bottom of the container, since it is not for the purposes of outflow of liquid from the container. The liquid outlet in Beguiristain is through tube 41 in the side of the container, not in the lid. See column 2, lines 61 - 64.

Having regard to these substantial differences, it is submitted that claim 29 is not anticipated by Beguiristain. Claims 31 and 33, which depend from claim 29 and include its limitations, are likewise not anticipated.

With regard to applicant's claim 36, paragraph (e) thereof specifies a conduit in fluid communication with the outlet and extending to the bottom wall of the chamber. In Beguiristain, outlet 41 for the outflow of fluids from the chamber has no conduit attached thereto. Further, the vacuum port to which tube 29 is connected, is, as explained above, a vacuum port, not an outlet for the outflow of fluids from the chamber; and further, tube 29 does not extend to the bottom wall of the chamber. Claim 36 is therefore not anticipated by Beguiristain.

In the Notice of References Cited accompanying the Office Action, the examiner listed U.S. 4,700,861 Neward and U.S. 4,515,283 Suzuki but did not apply them against the rejected claims. The applicant submits that neither of these references anticipates claims 29, 31, 33 or 36. Briefly, the preferred embodiment of Figs. 1 - 3 of Neward show a lid having a vacuum port 26 and a port for the inlet of fluid, to which tube 30 is connected. The lid does not include a port for the outflow of liquid. The preferred embodiment of Figs. 5 - 6 of Neward is a squeeze bottle for squeezing fluid out through conduit 70. Likewise, Suzuki does not disclose a lid or suction canister as claimed by the applicant.

It is accordingly submitted that the final rejection of claims 29, 31, 33 and 36 should be withdrawn and the claims allowed. In the event that the examiner maintains

the rejection, applicant requests to be so advised as soon as possible by an advisory action.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on 8 March 2002.



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